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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,717	04/14/2004	Gerald E. Peterson	12131-611-001	9084

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EXAMINER

BASTIANELLI, JOHN

ART UNIT PAPER NUMBER

3751

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,717	PETERSON, GERALD E.	
	Examiner	Art Unit	
	John Bastianelli	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3, 8-9 and 11-12 have the following informalities: In line 2 of claim 3, "treaded" should be --threaded--. In claims 9 and 12, in "allowing time for the shoulder to resume its original shape", "is should be its. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner does not understand "are sized to allow one shoulder of being forced over other shoulder". This does not make sense and the examiner cannot search or examine claims which do not make sense.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. US 4,869,450 in view of Crowley US 1,846,315.

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Takeda discloses a control valve 1, 2, 5 having an inlet port and an outlet port 6, said ports each having an annular groove (Fig. 1) in one end thereof and a shoulder (Fig. 1, exactly where 1 is pointing to) in the other end thereof; a connector sub-assembly having a pair of threaded swivel connectors 7 forming an integral part of said inlet port and said outlet port each swivel connector has a end capable of receiving a male threaded end of a male pipe fitting on the lateral section and an end having a shoulder capable of being forced over the corresponding shoulder on each of the other ends of the ports; sufficient clearance being provided between outer surfaces of each of the inlet and outlet ports and inner surfaces of each of the shoulders on the threaded ends of the swivel connectors to allow the connectors to freely rotate about a longitudinal axis of the valve and to allow freedom for lateral movement along the axis before the threaded ends of said swivel connectors are connected to the male pipe fittings; said swivel connectors being able to move from a first connector position on the respective inlet and outlet ports in which the threaded ends of said swivel connectors are adjacent the respective ends of the inlet and outlet ports for allowing the removal of said valve assembly while maintaining the spacing of each of the lateral sections of the irrigation pipe to a second connector position in which the threaded ends of said swivel connectors are connected to the male pipe fittings; a sealing ring mounted in each of said annular grooves on the ends of said inlet and outlet ports and alignable with the male pipe fitting for providing a seal between said male pipe fitting and the ends when the female threaded end of said swivel connector is connected to said male pipe fitting of the irrigation pipe section. Takeda lacks the swivel connector having a threaded end connectable to a male pipe setting and unthreaded other end but in fact shows the opposite connections regarding the threaded and unthreaded end. Crowley discloses the swivel connection 7 with the threaded end of the swivel

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connector 7 connected to the male pipe section 3 and having a shoulder 8 on the port of the control valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the swivel connection of Takeda as disclosed by Crowley, since it has been held that a mere reversal of the essential working parts of the device involves only routine skill in the art. *In re Gazda*, 104 USPQ 104 (CCPA 1955).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tubaro, Davis, Callahan and Barker disclose swivel connections on valves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-F (9:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JB
January 7, 2006



John Bastianelli
Primary Examiner
Art Unit 3751